

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

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U.S. BANK, National Association,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:21-cv-00120-NAB
	)	
MICHAEL QUALIZZA, NEIL D. FREEMAN,	)	
TIMOTHY DIXON,	)	
	)	
Defendants and Counterclaimants,	)	
	)	
and	)	
	)	
DFQ MANAGEMENT LLC, and	)	
1501 WASHINGTON ST. LOUIS, LLC,	)	
	)	
Counterclaimants,	)	
	)	
v.	)	
	)	
U.S. BANCORP COMMUNITY	)	
DEVELOPMENT CORPORATION, and	)	
U.S. BANK, NATIONAL ASSOCIATION,	)	
	)	
Counterclaim Defendants.	)	
	)	

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**COUNTERCLAIMANTS NEIL D. FREEMAN's, TIMOTHY DIXON's, DFQ  
MANAGEMENT LLC's AND 1501 WASHINGTON ST. LOUIS, LLC's MOTION TO  
PROVISIONALLY FILE AN EXHIBIT UNDER SEAL**

Defendants and Counterclaimants Neil D. Freeman and Timothy Dixon and Counterclaimants DFQ Management LLC and 1501 Washington St. Louis, LLC (collectively "Developers"), move to provisionally file under seal an exhibit (the "Exhibit") supporting Developers' Response in Opposition, [ECF No. 73], to U.S. Bank, National Association and U.S. Bancorp Community Development Corporation's ("U.S. Bank") Motion to Strike Developers'

Jury Demand [ECF No. 64].

U.S. Bank has requested that the Exhibit be filed under seal because it represents a personnel matter that U.S. Bank does not wish to be made available to the public. Developers file this Motion to comply with the protective order agreed to by the parties, [ECF No. 31-2], acknowledging that protective order was modified by the Court, [ECF No. 32]. Developers disagree with U.S. Bank's position that the Exhibit should be filed under seal. The Exhibit does not reveal any trade secrets, personally identifying information, personal health information, or other sensitive information of the kind that should be filed under seal. In order for the court to understand the jury trial rights at issue in this motion, counterclaimants believe it is important to provide said Exhibit.

Developers file this motion for provisional sealing solely to allow U.S. Bank opportunity to file a motion for continued sealing. Should the Bank fail to move for continued sealing within fourteen (14) days or fail to prevail on any motion for continued sealing, Developers' ask that the Court remove the seal and make the Exhibit publicly available.

Dated: August 3, 2022

Respectfully submitted,

**Dowd Bennett LLP**

By: /s/ James F. Bennett

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Attorney for Defendants Neil D. Freeman  
and Timothy Dixon and for  
Counterclaimants DFQ Management, LLC,  
and 1501 Washington St. Louis, LLC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing has been served upon all parties and/or counsel listed below electronically through the Court's ECF system on this 3<sup>rd</sup> day of August, 2022.

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Counterclaim Defendant U.S.  
Bancorp Community Development  
Corporation

/s/ James F. Bennett